# STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES OFFICE OF CONSERVATION AND COASTAL LANDS Honolulu, Hawaii

180-Day Exp. Date: March 11, 2007

December 8, 2006

Board of Land and Natural Resources State of Hawaii Honolulu, Hawaii

**REGARDING:** 

Conservation District Use Application (CDUA) KA-3379

for a Single Family Residence & Related Improvements Located at Haena, Halelea, island of Kauai, TMK: (4) 5-9-

002:059

APPLICANT:

David Kuraoka

AGENT:

Belles, Graham Proudfoot & Wilson, LLP

LANDOWNER:

Exchange Accommodators, Inc.

**AREA OF PARCEL:** 

 $\approx 10,942 \text{ ft}^2$ 

**USE:** 

 $\approx 2157.5 \text{ ft}^2$ 

**SUBZONE:** 

Limited

## **BACKGROUND**

A Conservation District Use Permit (CDUP) was previously issued for this subject parcel in October 2003 for a Single Family Residence (SFR). Construction did not commence in a timely manner and the CDUP expired.

### **DESCRIPTION OF AREA AND CURRENT USE**

The proposed project site is located on a previously developed house site mauka of Kuhio Hwy in Haena, Kauai within the Limited subzone of the Conservation District. The approximately ( $\approx$ ) 10, 942 square foot vacant lot is also known as Lot 57 of the Haena Hui Partition. It is believed at one time a SFR did exist on the property and contained a one story 856 ft² home with an open porch of 44 ft². The subject area is surrounded by

residential land use. The shoreline is located  $\approx 300$ ' from the subject property and is separated from the ocean by Kuhio Highway and private properties (Exhibit 1, 2, 3 & 4).

According to the information presented, the property is partly landscaped with grass and partly overgrown with non-native species of plants and weeds. The lot is located  $\approx 10$  ft. above mean sea level, and consists of visually level, but gently sloping land. The soil classification is Mokuleia series-a fine, sandy loam that permeability is moderately rapid in the surface layer and subsoil. Runoff is very slow and the erosion hazard is slight.

No threatened, endangered or listed flora and fauna were observed on the property. No archaeological resources at the surface or subsurface levels were observed or recovered during the archaeological Assessment Survey of the parcel done on October 21, 2006.

Access to the property is via an approximately 12' in width private, all-weather surface road that connects the property to Kuhio Highway. The landowner has a 1/9 undivided interest in the road.

#### PROPOSED USE

The applicant proposes to construct a Single Family Residence that reflects traditional plantation style architecture and shall be  $\approx 2,157.5$ -ft² consisting of 1,357.5 ft² of livable area, 80 ft² for stairwell and 720 ft² of lanai area. The SFR shall be constructed primarily of wood, with asphalt non-reflective roofing material and a foundation comprised of concrete columns on concrete footings. The SFR shall be  $\approx 28$  ft in height to comply with the Flood Ordinance and shall be painted plantation green. The SFR shall have 2 bedrooms, 2 bathrooms, a parlor, kitchen and lanais (Exhibit 5, 6 & 7).

Below the livable area, it is proposed that  $\approx 928$  ft<sup>2</sup> shall be contained within "breakaway" walls, and a carport. Wastewater shall be handled through a Department of Health approved septic system. The applicant shall coordinate connection to utilities (water, electricity, telephone, cable) at his own expense.

Landscape modifications proposed include clearing the area of the dwelling site and removal of noxious plants. Some trees may be removed to enable the siting of the SFR within applicable setbacks and as far back as practicable. Native plants to the extent possible shall be part of the landscaping of the property. Due to existing trees on the property the SFR should not be readily visible from any public street or areas in Haena except for a short distance along Kuhio Highway. The SFR will be partly visible from abutting properties. Addition vegetation is proposed to shield the SFR.

## **SUMMARY OF COMMENTS**

The application was referred to the following agencies for their review and comment: the **State**: Department of Health; Office of Hawaiian Affairs; Office of Environmental Quality Control; Department of Land and Natural Resources Divisions of: Aquatic

Resources, Conservation and Resource Enforcement, Engineering, Hawaii District Land Office, Historic Preservation; and the **County of Kauai's** Department of Planning. In addition, this application and the Draft Environmental Assessment were also sent to the nearest public library, the Princeville Public Library, to make this information readily available to those who may wish to review it.

Responses were received and have been summarized from the following agencies:

# STATE OF HAWAII

## DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

## Office of Planning

Discuss measures that will be taken to mitigate the potential impact of construction-related runoff and other environmental contaminants (e.g. fertilizer, wastewater leakage) on coastal waters. You may wish to note that the building design and elevation have been certified by a registered engineer, architect, and/or surveyor for compliance with construction and development standards for flood fringe and coastal high hazard areas. We suggest a general description of intended uses for the enclosed space on the ground level to ensure that such uses are consistent with County development standards for flood-prone areas.

Please specify if connecting utility transmission lines will be located above or below ground and discuss the environmental implications of that decision. Provisions within the Kauai County Comprehensive Zoning Ordinance establish land coverage limits for development in Open districts. Discuss whether such lot coverage ordinances apply to the subject property and if the proposal complies with these laws. Discuss plans for a vehicular path to the carport and note whether these plans would impact the lot coverage area, drainage capacity, and/or erosion potential of the property.

## Applicant's response

The property is located 300 feet away from the shoreline and  $\approx$  150 feet from any stream. Two lots and Kuhio Highway separate the property from the shoreline. Road "G" and another lot separate the property from the closest stream. A Department of Health approved individual wastewater system will be used to contain wastewater. Construction activities will be restricted to periods of minimal rainfall and low runoff and precautions shall be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products, and other potential contaminants from blowing or leaching into the aquatic environment.

The habitable floor of the house will be elevated with concrete columns on concrete footings and will comply with all aspects of the Flood Ordinance of the County of Kauai and the rules and regulations of the National Flood Insurance Program. In compliance with these laws, the building plans have been certified by a Hawaii architect.

The ground level space will be used for parking and non-living (e.g. storage) purposes and shall not be used for any purpose that would violate any applicable laws for occupancy/living purposes.

There are utility poles and overhead lines on Kuhio Highway and along the western boundary of the parcel. However there are no utility poles or overhead lines along Road G. Other lot owners along Road G have installed underground wire utility facilities. If agreement with the other Road G lot owners can be reached, the Applicant will connect to the Road G underground utilities. Otherwise, the Applicant shall bring underground utilities in from the existing overhead lines. Road G underground facilities are preferred. Connection to the existing overhead utilities will have no environmental impact since these facilities are already in place and will not be expanded.

The Applicant's SFR will have a 2157.5 ft² footprint, which is less than the 3000 ft² allowed in the Comprehensive Zoning Ordinance (CZO) Open District. CZO does not apply within the State Conservation District that is subject to the exclusive jurisdiction of the State. The Applicant is not installing an improved driveway of any kind. Therefore there will be no lot coverage or drainage capacity issues that might otherwise be caused by the installation of a hardened driveway. The Applicant will drive across the grass lawn to access the house. Should erosion occur the Applicant shall apply to DLNR for approval to install a pervious (gravel) driveway.

# DEPARTMENT OF HEALTH (DOH)

#### Wastewater Branch

The project is located in the Critical Wastewater disposal Area (CWDA) as determined by the Kauai County Wastewater Advisory Committee where no new cesspools are allowed. We have no objections to the project provided that the septic plan is updated to meet all applicable provisions of our wastewater rules. All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, Wastewater Systems. We reserve the right to review the detailed wastewater plans for conformance to applicable rules.

#### Applicant's response

A new individual wastewater system (IWS) plan has been prepared and submitted to the DOH. DOH had indicated its approval of the new IWS plan. As required by DOH regulations, the new IWS will be installed by a licensed contractor, inspected by an engineer, and authorized in writing by DOH prior to use.

### OFFICE OF ENVIRONMENTAL QUALITY CONTROL

The applicant should consider landscaping with native plants. Consult with the Department of Health concerning the new septic system.

## Applicant's response

The Applicant proposes to utilize native plants to the maximum extent possible for any new landscaping. The Department of Health has been consulted and approval has been obtained for the new septic system.

## OFFICE OF HAWAIIAN AFFAIRS (OHA)

OHA requests assurances that should iwi Kupuna or Native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

## Applicant's response

Should iwi Kupuna or native Hawaiian cultural or traditional deposits be found during ground disturbance, all work shall cease, and the appropriate agencies will be contacted pursuant to applicable law.

## DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR)

## Division of Aquatic Resources (DAR)

The proposal as described should not significantly impact aquatic resource values provided construction activities are restricted to periods of minimal rainfall and low runoff, and the areas denuded of vegetation or susceptible to erosion are appropriately stabilized. Precautions shall be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products and other potential contaminants from flowing blowing or leaching into coastal waters. Additional or undescribed construction or landscape modifications within the Conservation District should be submitted to the Department for review.

## Applicant's response

Construction will be restricted to periods of minimal rainfall and low runoff. Areas on the property that are denuded of vegetation or susceptible to erosion will be appropriately stabilized. Precautions as necessary will be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products, and other potential contaminants from blowing or leaching into the aquatic environment. Any additional or undescribed construction or landscape modifications of the property shall be submitted to DLNR for review.

#### Engineering

According to the Flood Insurance Rate Map (FIRM) the project site is located in Flood Zone VE. The National Flood Insurance program regulates development within VE. The project site must comply with the rules and regulations of the National Flood Insurance

Program (NFIP) as presented in Title 44 of the Code of Federal Regulations (44CFR). 44CFR indicated the minimum standards set forth by the NFIP. Community local flood ordinance may prove to be more restrictive and take precedence over the minimum NFIP standards.

## Applicant's response

The Applicant is aware that the property is located in Flood Zone VE. The construction of the proposed SFR will conform to the rules and regulations of the National Flood Insurance Program, the flood Ordinance of the County of Kauai, and all other applicable governmental laws ad regulations.

## Historic Preservation Division (SHPD)

Historic sites such as cultural deposits [habitation sites] and human burials are expected to be found as Hawaiian burials and cultural deposits have been found in nearby areas. The Kauai/Niihau Burial Council insists Hawaiian burial sites in Haena are treated with sensitivity. To insure that significant historic sites are properly identified and treated, we recommend the following conditions be attached to any approved permit:

- An archaeological inventory survey shall be conducted by a qualified archaeologist prior to well construction. A report documenting the archaeological work shall be submitted to the SHPD for review and approval. The report shall propose significance evaluations and propose mitigation treatments for any significant historic sites.
- If significant historic sites are identified and once mitigation commitments are agreed to, then the applicant shall develop detailed mitigation plans (scopes of work) and submit these to the SHPD for review and approval. Prior to any land alteration, SHPD must verify in writing that these plans have been successfully executed.
- If burials are discovered during the survey, a burial treatment plan shall be prepared following the procedures outlined in Chapter 6E-43 ad its rules. Coordination with the Kauai Island Burial Council is required as part of the approval of burial treatment.

# Applicant's response

An Archaeological Assessment Survey was prepared and submitted to the SHPD. The report contains the recommendation that no further archaeological work is necessary. By letter dated November 1, 2006, the report was approved by SHPD and it was agreed that no further archaeological work was necessary. No burials were discovered during the survey. If any burials are discovered during construction, all work will be stopped and the procedures of HRS Chapter 6E-43 and its rules will be followed.

## COUNTY OF KAUAI

#### PLANNING DEPARTMENT

The subject property is located within the Special Management Area (SMA) of the County of Kauai. However, since this is the first dwelling unit on the property, the proposed dwelling is considered "exempt" from the SMA Rules and Regulations. Therefore, an SMA permit is not required.

### HANALEI-HAENA COMMUNITY ASSOCIATION

- The restriction against short-term, transient vacation rentals in the Conservation District should be explicitly stated as a condition of any permit approval and should be aggressively enforced by the DLNR. We request that that approval of this CDUA and all other CDUAs explicitly state and require as a deed restriction that runs with the property in perpetuity that no short-term, transient vacation rentals will be allowed on the property. Strong penalties for violation of this requirement, including revocation of the permit and removal of all structures allowed under the permit should be included in the permit approval condition for this property and all other Conservation District Use Permits.
- The County of Kauai's "Open District" zoning designation is similar to the State Conservation District designation. In the Open District, lot coverage is restricted to 10%, consistent with County zoning and with the Conservation District's primary purpose of natural resource protection.
- Structures elevated to meet Flood Ordinance requirements are frequently enclosed to create one or more (illegal) dwelling unit(s) below the permitted, elevated structure. Absent strong sanctions property owners have little economic incentive to comply with the requirements imposed by the flood ordinances. Should the board approve this application we ask that the restrictions against enclosure and use of the area below the permitted dwelling unit be clearly stated as conditions of the permit, along with strong penalties for violation which should include revocation of the permit an removal of all structures that have been allowed under the permit.

# Applicant's response

- The Applicant shall conform to all of the Standard Condition contained in the Hawaii Administrative Rules (HAR), §13-5-42.
- Single Family Residential Standards contained in HAR, §13-5-41 and Exhibit 4 shall limit the Maximum Developable Area on the property to 3500 ft<sup>2</sup>. The applicant plans to construct a SFR with a footprint of 2157.5 ft<sup>2</sup> that is less than what would be allowed by the CZO in the Open District of the County of Kauai.
- As noted, the Applicant shall conform to the Standard Conditions that are imposed. The Applicant will not enclose and/or use the area below the flood height for any purposes where such enclosure and/or use would be a violation of applicable laws or regulations.

#### **ANALYSIS**

After reviewing the application, by correspondence dated September 14, 2006, the Department has found that:

- 1. The proposed use is an identified land use in the Limited subzone of the Conservation District, pursuant to §13-5-23, HAR, L-6, SINGLE FAMILY RESIDENCE, (D-1), A single family residence in a floodplain or coastal high hazard area that conforms to applicable county regulations regarding the National Flood Insurance Program and single family residential standards as outlined in chapter 13-5, HAR. Please be advised, however, that this finding does not constitute approval of the proposal;
- 2. Pursuant to §13-5-40 of the HAR, a Public Hearing will not be required;
- 3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, a finding of no significant impact (FONSI) is anticipated for the proposed project.

Documentation from the County of Kauai states, the proposed dwelling is considered "exempt" from the SMA rules and Regulations. In addition, a FONSI to the environment was published in the November 23, 2006 <u>Environmental Notice</u>.

#### **CONSERVATION CRITERIA**

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, HAR.

1. The proposed land use is consistent with the purpose of the Conservation District.

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

The project is considered an identified land use in the subject area of the Conservation District; as such, it is subject to the regulatory process established in Chapter 183C, HRS and detailed further in Chapter 13-5, HAR. This process provides for the application of appropriate management tools to protect the relevant resources, including objective analysis and thoughtful decision-making by the Department and Board of Land and Natural Resources.

As presented in the project's final Environmental Assessment, the proposed project has been designed to minimize potential adverse impacts on the area's natural resources. The structure shall be sited on level ground and will be located  $\approx 350$  feet from the shoreline.

2. The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.

The objective of the Limited subzone is to limit uses where natural conditions suggest constraints on human activities. A Single Family Residence is an identified land use pursuant to HAR, 13-5-23, HAR, L-6, SINGLE FAMILY RESIDENCE, (D-1), A single family residence in a floodplain or coastal high hazard area that conforms to applicable county regulations regarding the National Flood Insurance Program and single family residential standards as outlined in Chapter 13-5, HAR is an identified land use in the Limited subzone.

The subject parcel is located in flood Zone VE, with velocity hazard of 23-24 feet base flood elevation. The applicant must comply with all County building requirements within the flood zone.

3. The proposed land use complies with provisions and guidelines contained in Chapter 205, HRS, entitled "Coastal Zone Management," where applicable.

Staff believes the proposed project complies with provisions and guidelines contained in Chapter 205, HRS regarding Coastal Zone Management. It had been determined that satisfaction of the Special Management Area has been met with documentation from the County of Kauai stating that the proposed dwelling is considered "exempt" from the SMA Rules and Regulations.

4. The proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community, or region.

Staff believes the proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community or region. There are no threatened, endangered or listed flora and fauna, nor significant habitats on the project site.

Staff believes the proposal will not contribute to significant storm water runoff or siltation or the discharge of other pollutants or wastewater that could adversely impact the environmental quality of the near-shore and marine environment. There may be short-term adverse effects on the surrounding area associated with construction activities such as potential noise and air quality.

5. The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding area, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

The Haena area, which includes both Urban and Conservation District land, has essentially been developed as a residential neighborhood and the proposed SFR is therefore consistent with historic uses of the area. The proposed structure is

similar in scale to many of the neighboring houses and the structure has been designed to comply with the relevant flood hazard requirements. Therefore Staff believes the proposed land use is compatible with the locality and surrounding areas and is appropriate to the physical conditions of the parcel.

6. The existing physical and environmental aspect of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, which ever is applicable.

The natural beauty and open space characteristics of the area will be preserved due to the minimal physical and visual impact of the proposal. Due to the size of the dwelling and the surrounding landscaping, Staff believes there shall be only minimal visual impacts.

7. Subdivision of the land will not be utilized to increase the intensity of land uses in the Conservation District.

There will be no subdivision of land for this proposed project.

8. The proposed land use will not be materially detrimental to the public health, safety and welfare.

The proposal shall comply with all appropriate governmental requirements relative to public environmental and health concerns during the construction and post-construction phases. Staff believes the proposed land use will not be materially detrimental to the public health, safety and welfare.

#### DISCUSSION

The proposed SFR conforms to the Single Family Residential Standards identified in Exhibit 4 of Chapter 13-5, HAR. These standards have been incorporated into the proposed use and design. Further, the residence has been designed to conform to the applicable County regulations regarding the National Flood Insurance Program.

In 1967, the Kauai courts approved the Haena Hui subdivision. This was done without the consent of the Board. The Board considered this issue in 1980 and determined that the individuals involved acted in good faith by applying to and following the dictates of the courts in the matter, albeit the oversight of the Board's requirements to first obtain a permit for subdivision.

Following this chain of events, the Board adopted a policy that residential lots within Haena Hui subdivision (save for certain lots with poor developmental qualities, such as some beach lots), would qualify for one residential structure, subject to some special and standard conditions, that are herein incorporated. Notwithstanding this policy, and notwithstanding a change in the policy by the Board, the Board still retains its discretionary authority over all matters with respect to land use within the Conservation District.

The Haena area, which includes both Urban and Conservation District land, has essentially been developed as a residential neighborhood and the proposed SFR is therefore consistent with historic uses of the area. The proposed structure is similar in scale to many of the neighboring houses and the structure has been designed to comply with the relevant flood hazard requirements. Furthermore, a Conservation District Use Permit (CDUP) was recently issued for this subject parcel in October 2003 for a Single Family Residence (SFR).

#### **RECOMMENDATION:**

Based on the preceding analysis, Staff recommends that the Board of Land and Natural Resources APPROVE this application for a 2,157.5-ft<sup>2</sup> consisting of 1,357.5 ft<sup>2</sup> of livable area, 80 ft<sup>2</sup> for stairwell and 720 ft<sup>2</sup> lanai area located at Haena, Kauai, TMK (4) 5-9-002:059 subject to the following conditions:

- 1) The applicant understands that if there is an appeal filed on the Final Environmental Assessment, the Board's approval is temporarily stayed until the end of the appeal;
- The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments, including the single-family residential standards identified in Exhibit 4 of Chapter 13-5, HAR, and the county of Kauai's flood Ordinance Standards and Building Permit requirements;
- The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawaii Administrative Rules (HAR) Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control;"
- 5) The single-family dwelling shall not be used for rental or any other commercial purposes unless approved by the Board;
- 6) All mitigation measures set forth in the application materials, and in the final environmental assessment for this project are hereby incorporated as conditions of the permit
- 7) The applicant shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily

start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;

- Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
- 9) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- The applicant shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
- The applicant will minimize visual impacts using appropriate lighting, house color and landscaping;
- 12) The applicant shall be prohibited from using floodlights that are directed in an upward or outward direction;
- In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 14) Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- Potable water supply and sanitation facilities shall have the approval of the appropriate agencies;

- Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard;
- The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
- 19) During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
- 20) Cleared areas shall be re-vegetated within thirty days of the completion of construction unless otherwise provided for in a plan on file with the Department;
- Obstruction of public roads, trials, and pathways shall be minimized. If obstruction is unavoidable, the applicant shall provide roads, trails, or pathways acceptable to the department;
- 22) The landowner shall execute a waiver and indemnity agreement prior to construction plan approval that is satisfactory to the Department;
- 23) Other terms and conditions as may be prescribed by the Chairperson; and
- Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Respectfully submitted,

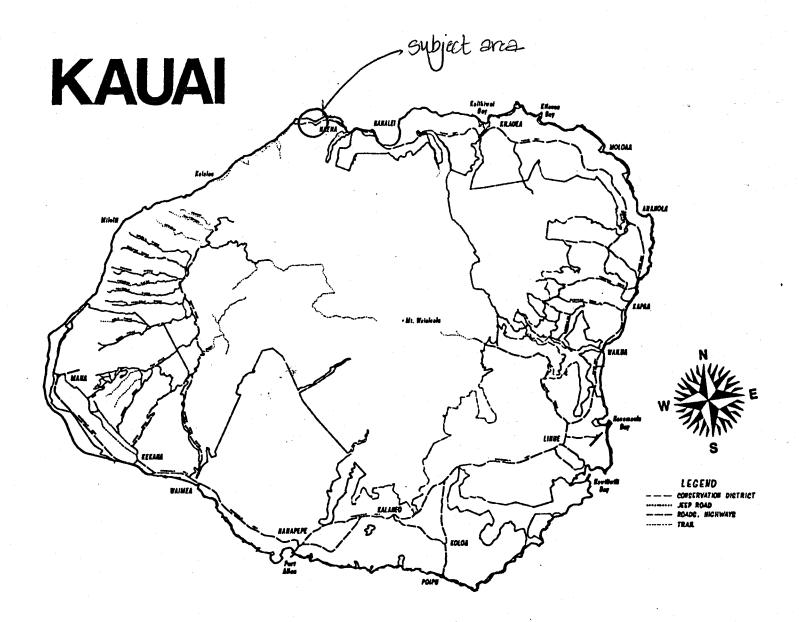
K. Tiger Mills, Staff Planner

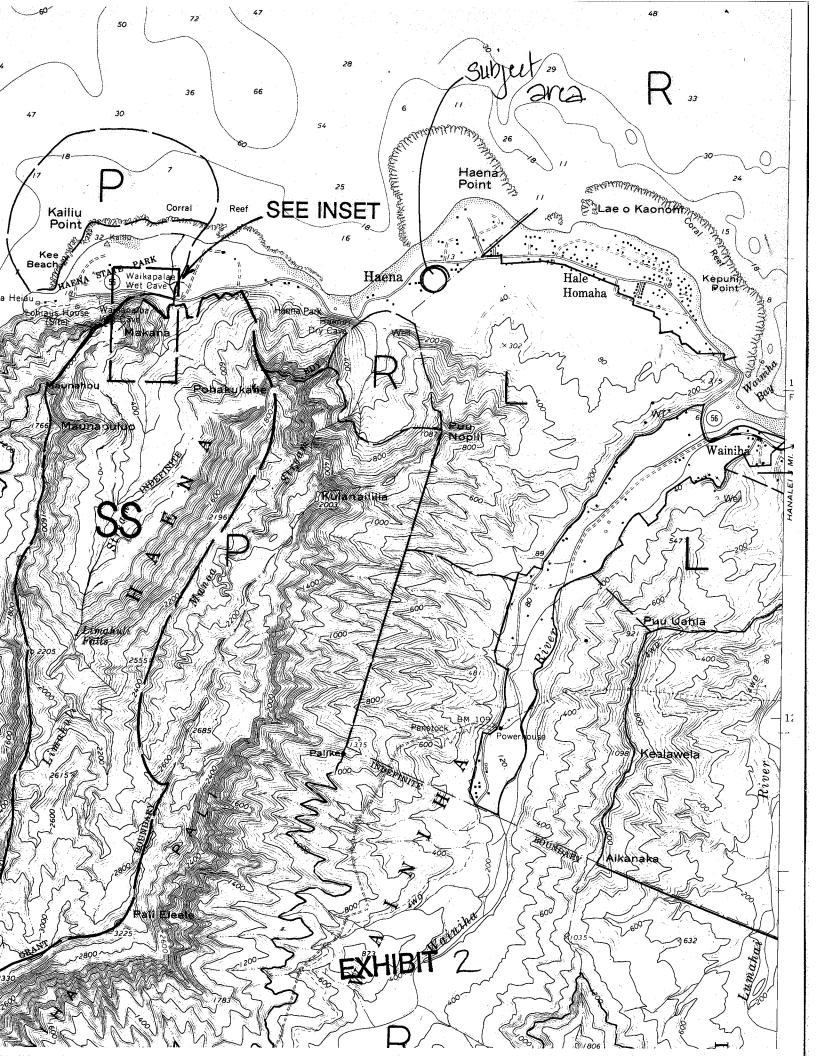
Office of Conservation and Coastal Land

Approved for submittal:

PETER T. YOUNG, Chairperson

Board of Land and Natural Resources





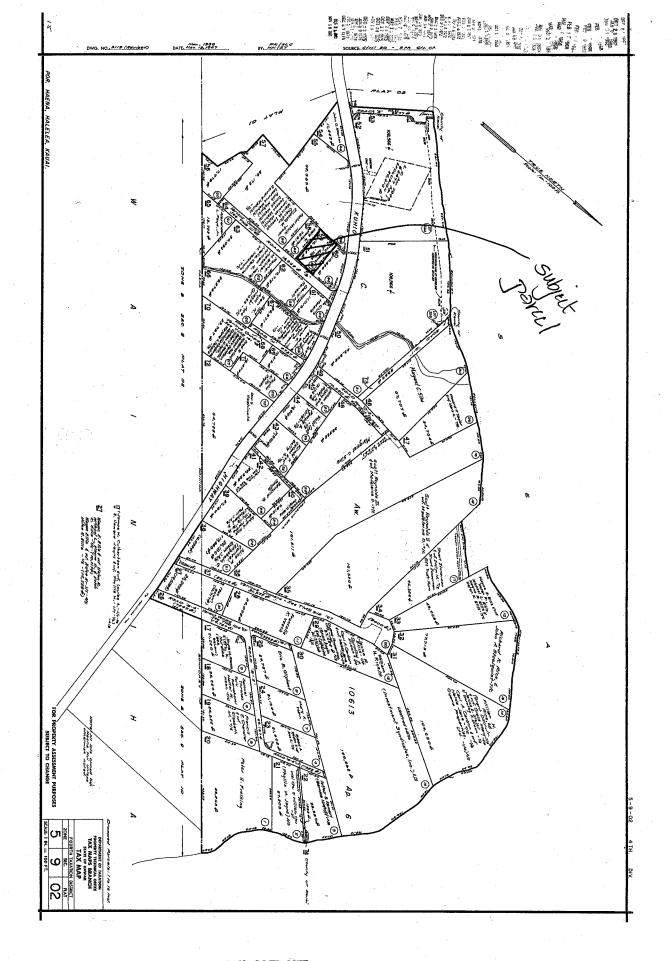
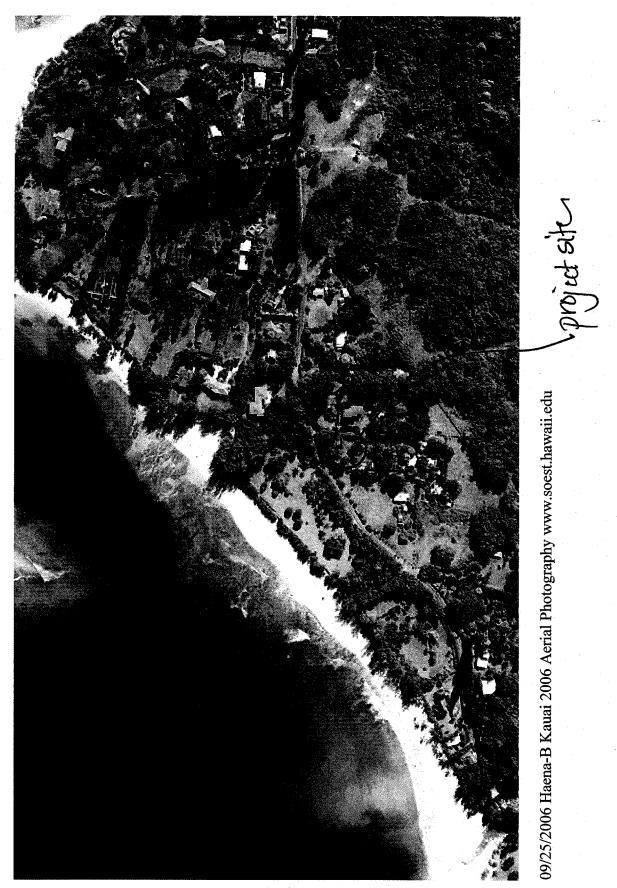
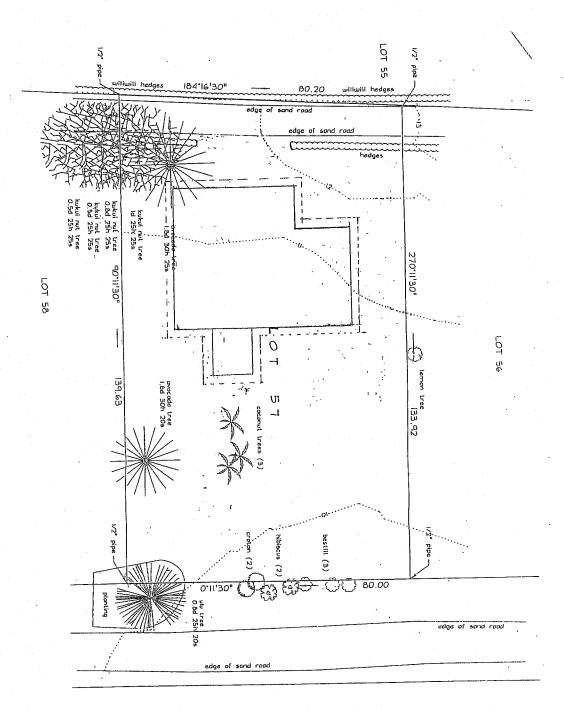


EXHIBIT 3

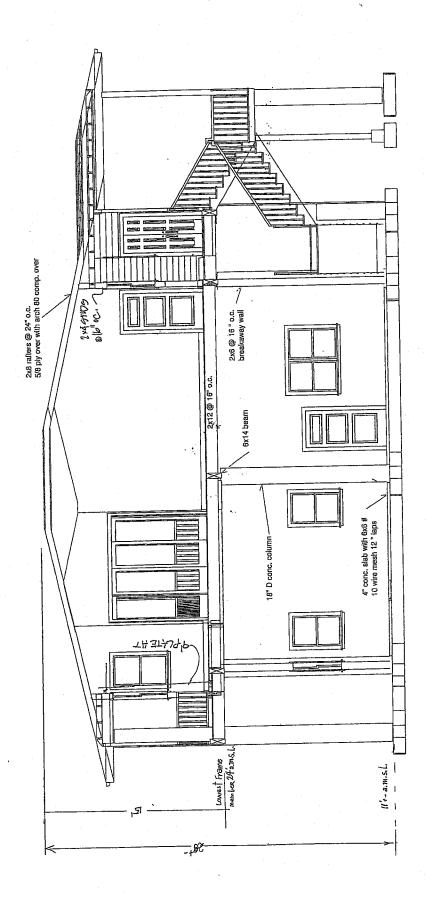


09/25/2006 Haena-B Kauai 2006 Aerial Photography www.soest.hawaii.edu

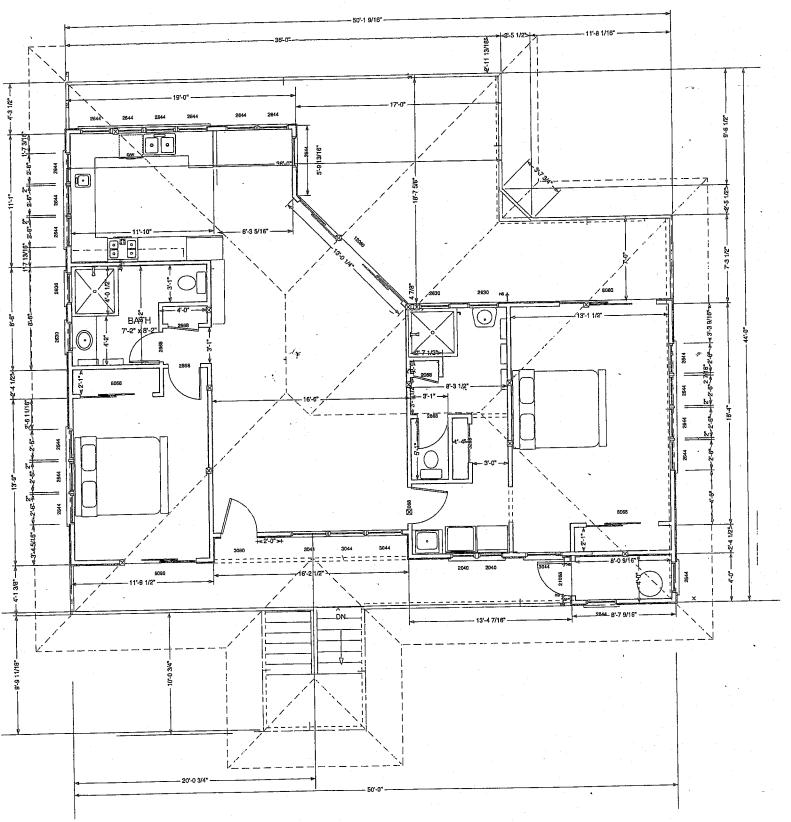
EXHIBIT 4



TRUE NORTH
Scalar I In. = 20 H.



longitudinal section



floor plan upper floor